IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE K.M.JOSEPH

TUESDAY, THE 11TH SEPTEMBER 2007 / 20TH BHADRA 1929

WP(C).No. 33266 of 2005(I)

PETITIONER:

RAJEEVAN, S/O.VELUNNI, KARANCHIRA HOUSE,
NEDUMPUZHA, KANIMANGALAM, TRICHUR.

BY ADV. SMT.S.MUMTAZ

RESPONDENTS:
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1. THE ASSISTANT REGISTRAR (GENERAL),
DISTRICT CO-OPERATIVE BANK, TRICHUR.

2. THE DISTRICT CO-OPERATIVE BANK,
THRISSUR REPRESENTED BY THE SECRETARY, TRICHUR.

3. THE SPECIAL SALE OFFICER,
DISTRICT CO-OPERATIVE BANK, KURUPPAM ROAD,
TRICHUR.

4. THE STATE OF KERALA, REP. BY THE
SECRETARY, DEPARTMENT OF CO-OPERATIVE SOCIETIES,
SECRETARIAT, THIRUVANANTHAPURAM.

R1 & R2 BY ADV. SRI.T.R. HARIKUMAR ,SC,DC BANK,TSR.
R3 BY GOVERNMENT PLEADER (SHRI P.K. RAVIKRISHNAN)

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON 11/09/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

APPENDIX IN W.P.(C). NO. 33266 OF 2005 I

PETITIONER'S EXHIBITS:

EXT.P1 **TRUE COPY OF THE NOTICE ISSUED BY THIRD RESPONDENT.**

EXT.P2 **TRUE COPY OF THE REPRESENTATION SUBMITTED BY THE PETITIONER TO THE THIRD RESPONDENT DATED 5.11.2005.**

RESPONDENTS' EXHIBITS: NIL.

// TRUE COPY//

PS TO JUDGE

K. M. JOSEPH, J.

W.P.C. NO. 33266 OF 2005 I

Dated this the 11th September, 2007

JUDGMENT

Petitioner availed a loan from the second respondent Bank. There was default. Recovery steps have been taken. Petitioner challenges Ext.P1 Sale Notice and seeks a direction to the first respondent to pass orders on Ext.P2. Heard Shri T.R. Harikumar, learned standing counsel appearing for the respondent Bank also. Learned counsel for petitioner prays for instalment facility. Petitioner is permitted to pay off the amount due in five equal monthly instalments. Second respondent Bank will serve a Statement on the petitioner within two weeks from today, showing the exact amount of instalments to be paid by the petitioner on the basis that the amount is to be paid with due interest in five equal monthly instalments. Upon receipt of the same, petitioner is permitted to pay the first instalment on or before 15.10.2007 and the remaining instalments on or before the 15th of every succeeding month. If any of the instalments is

not paid, petitioner will lose the benefit of this Judgment and it will be open to the respondent Bank to proceed against the petitioner in accordance with law.

The Writ Petition is disposed of as above.

K. M. JOSEPH, JUDGE

kbk.